

District of Columbia Office of Zoning
Appeal Case Number: BZATmp20782
Application/Appeal Date: May 4, 2022
Hearing Date: September 21, 2022

MOTION TO CONTINUE/RESCHEDULE HEARING

COMES NOW, CAROL HOWELL, through the undersigned Counsel, and requests that the hearing in this case currently set for September 21, 2022 be continued and rescheduled. For cause, Ms. Howell states as follows:

1. Ms. Howell appealed the Zoning Administrator's (Matthew Le Grant) email decision to grant a request for minor flexibility after reviewing the email inquiry and attachments submitted to Mr. Le Grant for review by Richard Holowchak, Contractor for construction of a rear addition at 316 2nd Street, SE, Washington, D.C. **(Le Grant Email Attached)**

2. For months, through The Zoning Administrator's Office, Ms. Howell has attempted to obtain copies of the email, with attachments, submitted by Mr. Holowchak for review. Ms. Howell has also submitted a FOIA Request for the email, and accompanying attachments, correspondence, and documents. This email, with attachments/correspondence and documents are the crux of Ms. Howell's appeal, and are necessary evidence to be presented to the board reviewing this matter.

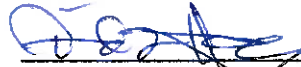
3. Months ago these documents were also requested from the Cargills (owners of 316 2nd Street, SE), and from their prior Counsel, Mr. Sullivan. They have never been provided. The email, attachments, which Mr. Le Grant reviewed and approved, and correspondence are needed for Ms. Howell's expert's review, prior to testimony. They are needed for this Board to review in making their decision.

4. Ms. Howell was advised yesterday by the D.C. FOIA Office that the estimated delivery date for FOIA Request No. 2022-FOIA-08937 is September 19, 2022, less than two days before the scheduled hearing. She was also advised that this date may not be met. More time may be necessary.

5. Because Holowchak's email, attachments, and correspondence are crucial to the hearing, and because they have not been provided by the Zoning Administrator's Office, or others after numerous request, both by phone and in writing, it is in the interest of justice, and proper review that this hearing be continued and reset for a date and time after Ms. Howell's receipt of the email from Mr. Holowchak to Mr. Le Grant with all attachments, and all correspondence between Mr. Holowchak and the Zoning Administrator's Office concerning the rear addition to be constructed on 316 2nd Street, S.E., Washington, D.C.

WHEREFORE, it is respectfully requested that this matter be continued and rescheduled.

Respectfully submitted,



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On Aug 9, 2021, at 4:13 PM, DCRA Customer Service <dcraacs@dc.gov> wrote:

Dear Richard Holowchak,

Thank you for contacting the Office of the Zoning Administrator (OZA) within the Department of Consumer and Regulatory Affairs (DCRA). I am in receipt of your inquiry which has been submitted to me for review and follow up. I have determined that, after reviewing your email and attachments asking for minor flexibility for construction at 316 2nd St SE under 11 DCMR Section A-304.3, the following:

Subject Zone: R/F-3

Type of Construction: Rear addition/extension of the second and third floors

Requested Relief: Exceeds lot occupancy

Standard and Citation: 60% maximum limit as per Section E-504.1

Flexibility Requested: 2%*

Based on the information you provided, the requested flexibility is **at the limit of the 2% allowance for area requirements**, and I find, in accordance with Section A-304.3 (a)-(f) that:

- a) The light and air available to neighboring properties shall not be unduly affected as: *The minor increase of lot occupancy of the one foot extension is minimal.*
- b) The privacy of neighboring properties shall not be unduly compromised as: *The proposed extension will not have windows facing adjacent properties on the sides so it is unlikely to affect privacy.*
- c) The level of noise in the neighborhood shall not be unduly increased because: *The slight overage in lot occupancy is minimal.*
- d) The use and enjoyment of neighboring properties shall not be unduly compromised because: *The slight increase in lot occupancy is unlikely to have any effect.*
- e) No trees which would otherwise be protected by this title or other District of Columbia regulation, would be damaged or removed because: *No trees are proposed to be removed.*
- f) The general scale and pattern of buildings on the subject street frontage and the neighborhood will be maintained, consistent with the development standards of DCMR Title 11, as: *The construction for the slight overage in lot occupancy is at the rear of the property.*

Accordingly, you may proceed with an application and cite this communication that documents the **granting of the requested minor flexibility**. Thanks again for submitting your inquiry, and please let me know if you have any additional questions or concerns.

Regards,

Matthew Le Grant

Zoning Administrator

Department of Consumer and Regulatory Affairs

Government of the District of Columbia

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Exhibit 1
59cc
Motion to
Certify
Hearing

Exhibit 9

Board of Zoning Adjustment

District of Columbia

CASE NO 20-43

EXHIBIT NO 59C